

AMENDED IN ASSEMBLY JUNE 11, 2012

AMENDED IN SENATE MAY 29, 2012

AMENDED IN SENATE MAY 9, 2012

AMENDED IN SENATE MAY 1, 2012

AMENDED IN SENATE APRIL 18, 2012

AMENDED IN SENATE APRIL 9, 2012

SENATE BILL

No. 1465

**Introduced by Senator Yee
(Coauthor: Senator Correa)**

(Coauthors: Assembly Members Ammiano, Blumenfield, Huffman,
and Wieckowski)

February 24, 2012

An act to ~~add and repeal Section 14077 of the Corporations Code,~~
~~relating to economic development~~ *amend Sections 111223, 114429,*
and 114429.5 of the Health and Safety Code, relating to food safety.

LEGISLATIVE COUNSEL'S DIGEST

SB 1465, as amended, Yee. ~~Loan programs.~~ *Food safety: Asian rice-based noodles: Korean rice cakes.*

Existing law, the Sherman Food, Drug, and Cosmetic Law, requires all manufacturers of Asian rice-based noodles to place labels on the Asian rice-based noodles that indicate the date and time of manufacture and include a warning that the Asian rice-based noodles are perishable and must be consumed within 4 hours of manufacture. Violation of these provisions is a misdemeanor.

Existing law, the California Retail Food Code, establishes uniform health and sanitation standards for retail food facilities, as defined. The law requires the State Department of Public Health to adopt regulations to implement and administer those provisions, and delegates primary enforcement duties to local health agencies. A violation of any of these provisions is punishable as a misdemeanor.

Existing law authorizes the sale of Asian rice-based noodles, as defined, that have been at room temperature for no more than 4 hours, and prohibits the sale of Asian rice-based noodles unless they have the above-described labeling.

This bill would revise the labeling and sale requirements to reflect that Asian rice-based noodles must be consumed within 24 hours of manufacture.

By imposing new duties upon local agencies and changing the definition of a crime, this bill would impose a state-mandated local program.

Existing law authorizes the sale of Korean rice cakes, as defined, that have been at room temperature for no more than 24 hours and requires the destruction of Korean rice cakes that have been at room temperature for no more than 24 hours.

This bill instead would require the destruction of Korean rice cakes that have been at room temperature for more than 24 hours.

The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement.

This bill would provide that with regard to certain mandates no reimbursement is required by this act for a specified reason.

With regard to any other mandates, this bill would provide that, if the Commission on State Mandates determines that the bill contains costs so mandated by the state, reimbursement for those costs shall be made pursuant to the statutory provisions noted above.

~~The California Small Business Financial Development Corporation Law authorizes the formation of small business financial development corporations to grant loans or loan guarantees for the purpose of stimulating small business development. That law imposes certain duties with respect to that program on a director designated by the Secretary of Business, Transportation and Housing. The California Small Business Expansion Fund, which is created under that law and is continuously~~

appropriated, provides funds to be used to pay for defaulted loan guarantees and administrative costs of these corporations.

This bill would, until March 31, 2017, require the Secretary of Business, Transportation and Housing or his or her designee, to the extent that the secretary determines to be practical, to enter into loans or loan guarantee agreements with financial institutions that provide export financing in the state for the purpose of increasing exports to out-of-state markets and increasing jobs in California.

Vote: majority. Appropriation: no. Fiscal committee: yes.
State-mandated local program: ~~no~~-yes.

The people of the State of California do enact as follows:

1 SECTION 1. Section 111223 of the Health and Safety Code is
2 amended to read:

3 111223. (a) All manufacturers of Asian-rice-based ~~rice-based~~
4 noodles shall place a label on the packaging of Asian-rice-based
5 ~~rice-based~~ noodles that indicates the date and time of manufacture
6 and includes a statement that the Asian-rice-based ~~rice-based~~
7 noodles are perishable and must be consumed within ~~four hours~~
8 one day of manufacture.

9 (b) All manufacturers of Korean rice cakes shall place a label
10 issued by the Korean Rice Cake Association Corporation on the
11 Korean rice cake that indicates the date of manufacture. The Korean
12 rice cakes label shall include a statement that the rice cake must
13 be consumed within one day of manufacture.

14 SEC. 2. Section 114429 of the Health and Safety Code is
15 amended to read:

16 114429. (a) Notwithstanding Sections 113996 and 114343
17 and if permitted by federal law, a food facility may sell Korean
18 rice cakes that have been at room temperature for no more than
19 24 hours.

20 (b) At the end of the operating day, Korean rice cakes that have
21 been at room temperature for ~~no~~ more than 24 hours shall be
22 destroyed in a manner approved by the enforcement agency.

23 (c) For purposes of this section, a “Korean rice cake” is defined
24 as a confection that contains rice powder, salt, sugar, various edible
25 seeds, oil, dried beans, nuts, dried fruits, and dried pumpkin. The
26 ingredient shall not include any animal fats or any other products
27 derived from animals.

(d) All manufacturers of Korean rice cakes shall place a label on the Korean rice cake as prescribed by Section 111223.

SEC. 3. Section 114429.5 of the Health and Safety Code is amended to read:

114429.5. (a) Notwithstanding Sections 113996 and 114343, and if permitted by federal law, a food facility may sell Asian-~~rice~~ *rice-based* noodles that have been kept at room temperature for no more than ~~four~~ 24 hours.

~~(b) Asian rice based noodles that have been kept at room temperature shall be consumed, cooked, or destroyed in a manner approved by the local enforcement agency within four hours of manufacture.~~

~~(c)~~
(b) At the end of the operating day, Asian-~~rice based~~ *rice-based* noodles that have been kept at room temperature for more than ~~four~~ 24 hours shall be destroyed in a manner approved by the local enforcement agency.

~~(d)~~
(c) For purposes of this section, an “Asian-~~rice based~~ *rice-based* noodle” is defined as a confection that contains rice powder, water, wheat starch, and vegetable cooking oil. The ingredients shall not include any animal fats or any other products derived from animals. An Asian-~~rice based~~ *rice-based* noodle is prepared by using a traditional method that includes cooking by steaming at not less than 130 degrees Fahrenheit, for not less than four minutes.

~~(e)~~
(d) All manufacturers of Asian-~~rice based~~ *rice-based* noodles shall place a label on the Asian-~~rice based~~ *rice-based* noodle as prescribed by Section 111223.

SEC. 4. No reimbursement is required by this act pursuant to Section 6 of Article XIII B of the California Constitution for certain costs that may be incurred by a local agency or school district because, in that regard, this act creates a new crime or infraction, eliminates a crime or infraction, or changes the penalty for a crime or infraction, within the meaning of Section 17556 of the Government Code, or changes the definition of a crime within the meaning of Section 6 of Article XIII B of the California Constitution.

However, if the Commission on State Mandates determines that this act contains other costs mandated by the state, reimbursement

1 *to local agencies and school districts for those costs shall be made*
2 *pursuant to Part 7 (commencing with Section 17500) of Division*
3 *4 of Title 2 of the Government Code.*

4 ~~SECTION 1. The Legislature finds and declares all of the~~
5 ~~following:~~

6 ~~(a) The great recession that began in 2007 has severely eroded~~
7 ~~California's economy, and manufacturing and production sectors~~
8 ~~will be the principal contributors to the economic recovery.~~
9 ~~Underwriting export finance loans is a promising financial tool to~~
10 ~~grow manufacturing and production jobs, while generating new~~
11 ~~revenues for the state.~~

12 ~~(b) International trade and expanding export markets have been~~
13 ~~an important part of California's economic prosperity over the last~~
14 ~~60 years. This legislation is necessary to assist California's most~~
15 ~~successful and promising small businesses and industries to secure~~
16 ~~markets beyond its borders. The credit support provided by this~~
17 ~~legislation is necessary to facilitate expansion of financially secure~~
18 ~~businesses and industries that have insufficient international~~
19 ~~experience or access to credit to secure financing from private~~
20 ~~sources. The credit support provided by this legislation will be~~
21 ~~used to facilitate export expansion and is intended to be targeted~~
22 ~~to new or emerging ventures and provide temporary assistance.~~

23 ~~(c) The Governor's Office of Business and Economic~~
24 ~~Development uses its expertise and state resources to support small~~
25 ~~businesses that need financial assistance and professional advice~~
26 ~~to succeed in markets beyond California's borders.~~

27 ~~SEC. 2. Section 14077 is added to the Corporations Code, to~~
28 ~~read:~~

29 ~~14077. (a) In connection with his or her duties under this~~
30 ~~chapter, the secretary or his or her designee shall, to the extent that~~
31 ~~the secretary determines to be practical, enter into loans or loan~~
32 ~~guarantee agreements with financial institutions that provide export~~
33 ~~financing in the state for the purpose of increasing exports to~~
34 ~~out-of-state markets and increasing jobs in California.~~

35 ~~(b) This section shall remain in effect only until March 31, 2017,~~
36 ~~and as of that date is repealed, unless a later enacted statute, that~~
37 ~~is enacted before March 31, 2017, deletes or extends that date.~~